
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

CLEARPLAY, INC.,
Plaintiff,
v.
DISH NETWORK, LLC, and ECHOSTAR
TECHNOLOGIES, LLC,
Defendants.

**MEMORANDUM DECISION AND
ORDER OVERRULING OBJECTION
TO ORDER GRANTING PLAINTIFF'S
MOTION TO STRIKE
AND
FINDING AS MOOT MOTION TO
EXPEDITE**

Case No. 2:14-cv-00191-DN-CMR

District Judge David Nuffer

On November 10, 2022, United States Magistrate Judge Cecilia M. Romero issued an oral order,¹ which granted Plaintiff's Motion to Strike² regarding Defendants' supplemental usage data and Defendants' attempted disclosure of Rob Saddler as a fact witness. Defendants objected to the portion of the order which struck Defendants' supplemental usage data arguing that the order is clearly erroneous and contrary to law ("Objection").³ And Defendants requested expedited briefing and a hearing regarding their Objection ("Motion to Expedite").⁴

De novo review has been completed of those portions of Judge Romero's order, findings, and conclusions to which objection was made, including the record that was before Judge

¹ Minute Entry for Proceedings Held Before Magistrate Judge Cecilia M. Romero, docket no. 546, filed Nov. 10, 2022; Transcript of Oral Ruling Via Zoom Taken From Electronic Court Audio Nov. 10, 2022 at 11:13-17:7, docket no. 552-2, filed under seal Nov. 28, 2022.

² [Docket no. 492](#), filed Sept. 15, 2022, docket no. 494, filed under seal Sept. 15, 2022.

³ Dish's Objection to Dkt. 546 Order on Plaintiff's Motion to Strike ("Objection"), [docket no. 550](#), filed Nov. 28, 2022, docket no. 552, filed under seal Nov. 28, 2022.

⁴ Motion for Expedited Briefing and Hearing Regarding Dish's Objection to Dkt. 546 Order on Plaintiff's Motion to Strike ("Motion to Expedite"), [docket no. 553](#), filed Nov. 28, 2022.

Romero and the reasoning set forth in the oral order.⁵ Neither a response from Plaintiff nor a hearing is necessary for the resolution of Defendants' Objection.⁶

Judge Romero's findings are supported by the record. Judge Romero applied the correct legal standard in her analysis of Plaintiff's Motion to Strike. And Judge Romero's conclusions logically flow from her findings and analysis. Therefore, the findings, analysis, and conclusions of Judge Romero's November 10, 2022 oral order granting Plaintiff's Motion to Strike are not clearly erroneous or contrary to law.⁷ Defendants' Objection⁸ is overruled.

ORDER

IT IS HEREBY ORDERED that Defendants' Objection⁹ is OVERRULED.

IT IS FURTHER ORDERED that Defendants' Motion for Expedited Briefing and Hearing¹⁰ regarding their Objection is MOOT.

Signed December 6, 2022.

BY THE COURT



David Nuffer
United States District Judge

⁵ 28 U.S.C. § 636(b); FED. R. CIV. P. 72(a).

⁶ DUCIVR 72-3(b), (c).

⁷ FED. R. CIV. P. 72(a).

⁸ [Docket no. 550](#), filed Nov. 28, 2022, docket no. 552, filed under seal Nov. 28, 2022.

⁹ [Docket no. 550](#), filed Nov. 28, 2022, docket no. 552, filed under seal Nov. 28, 2022.

¹⁰ [Docket no. 553](#), filed Nov. 28, 2022.